

UNITED STATES DISTRICT COURT

for the

District of Nebraska

United States of America

v.

Jose G. Valdivia

Case No: 8:06CR316

USM No: 21201-047

Date of Original Judgment: 01/16/2008

Date of Previous Amended Judgment: _____

(Use Date of Last Amended Judgment if Any)

Michael F. Maloney

Defendant's Attorney

**ORDER REGARDING MOTION FOR SENTENCE REDUCTION
PURSUANT TO 18 U.S.C. § 3582(c)(2)**

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion, and taking into account the policy statement set forth at USSG §1B1.10 and the sentencing factors set forth in 18 U.S.C. § 3553(a), to the extent that they are applicable,

IT IS ORDERED that the motion is:

☐ DENIED. ☒ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of 78 months for Count I months is reduced to 70 months for Count I .

(Complete Parts I and II of Page 2 when motion is granted)

Except as otherwise provided, all provisions of the judgment dated 01/16/2008 shall remain in effect.

IT IS SO ORDERED.

Order Date: 09/17/2015

Effective Date: 11/02/2015

(if different from order date)



Judge's signature

Laurie Smith Camp, Chief U.S. District Judge

Printed name and title

This page contains information that should not be filed in court unless under seal.
(Not for Public Disclosure)

Jose G. Valdivia

DEFENDANT: _____

CASE NUMBER: 8:06CR316

DISTRICT: District of Nebraska

I. COURT DETERMINATION OF GUIDELINE RANGE (*Prior to Any Departures*)

Previous Total Offense Level: <u>27</u>	Amended Total Offense Level: <u>25</u>
Criminal History Category: <u>III</u>	Criminal History Category: <u>III</u>
Previous Guideline Range: <u>87</u> to <u>108</u> months	Amended Guideline Range: <u>70</u> to <u>87</u> months

II. SENTENCE RELATIVE TO THE AMENDED GUIDELINE RANGE

- ☒ The reduced sentence is within the amended guideline range.
- ☐ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a substantial assistance departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.
- ☐ The reduced sentence is above the amended guideline range.

III. ADDITIONAL COMMENTS

The Defendant's pro se Motion to Reduce Sentence - USSC Amendment (Filing No. 126) is granted, the Defendant's Unopposed Motion to Reduce Sentence - USSC Amendment (Filing No. 136) is granted and the parties' Stipulation regarding the Unopposed Motion to Reduce Sentence - USSC Amendment (Filing No. 137) is approved.